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**THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**CORNELE A. OVERSTREET,**  
**Regional Director of the Twenty-Eighth**  
**Region of the National Labor Relations**  
**Board, for and on behalf of the**  
**National Labor Relations Board,**

**Petitioner,**

**v.**

**APEX LINEN SERVICE INC.,**

**Respondent.**

Case No. 2:17-cv-2923

**MOTION TO VACATE ORDER  
AND DISMISS PETITION**

On February 12, 2018, the Court issued an Order Granting in Part Petition for Temporary Injunction (the Court's Order), granting injunctive relief under Section 10(j) of the National Labor Relations Act, pending final disposition of the matters before the National Labor Relations Board (the Board).

On July 23, 2018, the Board issued its order (the Board's Order) in the underlying Board case (28-CA-192349 et al), wherein it adopted the findings and conclusions contained in the

1 administrative law judge's decision (the Decision). Copies of the Board's Order and the  
2 Decision are attached as Exhibits 1 and 2, respectively.

3 As the Board's Order constitutes a final disposition of the matters encompassed by the  
4 Court's Order, Petitioner hereby moves the Court to vacate the Court's Order and dismiss  
5 Petitioner's petition with prejudice.

6 Respondent has authorized the undersigned to represent that Respondent does not oppose  
7 the granting of this Motion.

8 RESPECTFULLY SUBMITTED this 7<sup>th</sup> day of August, 2018.  
9

10 /s/ Nathan Higley

11 Nathan Higley, Attorney

12 On behalf of:

13 Cornele A. Overstreet, Regional Director  
14 National Labor Relations Board, Region 28  
2600 N. Central Avenue, Suite 1400  
Phoenix, Arizona 85004